



Tennessee Board of Dentistry

Newsletter

Winter 2001

A regulatory agency of the State of Tennessee

Vol. 1, No. 1

Cordell Hull Building, First Floor, 425 Fifth Avenue North, Nashville, TN 37247-1010

• www.state.tn.us/health

PRACTITIONER PROFILES

Update • Update • Update • Update

The Health Care Consumer Right-to-Know Act of 1998 requires licensees in 19 professions to submit "practitioner profiles" to the Department of Health for on-line viewing by the public. For dental practitioners, this requirement applies only to dentists, and dentists have been leading other professions in terms of compliance with state law.

In addition to the initial questionnaire, this same law requires you to UPDATE your profile! If the information you were required to submit has changed, you must submit notification *in writing* of that change to the Department of Health within 30 days of the change. The statute also subjects you to disciplinary action for failure to provide timely updates to the Department.

In order to update your profile, you may download an additional profile questionnaire form from the Board's web page under "Applications and

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DISCIPLINARY ACTIONS FY 1999/2000

Camp, John T. - License No. DS-2096

Unprofessional conduct related to violation of continuing education. Assessed civil penalty of \$500. Option to retire or obtain CE hours.

Culbertson, Charles - License No. DS-3902

Advertised as a specialist without Tennessee certification. Placed on probation for five years and assessed \$1,000.

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YOU ARE ON THE INTERNET

Electronic Age Benefits Licensees

The internet is becoming a valuable tool for the public and dental practitioners. It is an excellent way to check your licensure status and that of your employer (and employees). In addition to licensure status and renewal dates, the Board's web page contains disciplinary action, applications, and change of address/name forms. [Applicants can now ascertain from the Board's home page whether or not their application has been received by the Board. An application under review will

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NEW RULES AFFECT ALL PRACTITIONERS

Effective 4/25/00

- New CE requirements at Rule 0460-1-.05
- Process for Inactive Volunteer license at Rule 0460-2-.01
- Medications and direct contact between the patient and auxiliary staff at Rule 0460-2-.11
- Practical dental assistants defined and parameters established at Rule 0460-4-.01
- Notarization requirements removed from passport photographs and birth certificates when submitted for licensure at Rule 0460-2-.01; 3-.01; and 4-.02.

Effective 4/30/00

- Dentists must report malpractice payments greater than \$25,000.00 at Rule 0460-1-.17
- Dentists must report convictions of all felonies and some misdemeanors at Rule 0460-1-.17
- Board adopts declaratory order process at Rule 0460-1-.06 ☺

PRACTITIONER PROFILES

Update • Update • Update • Update
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Instructions" and enter only the information you wish to change, or download a copy of your current information from the internet and make corrections on a copy of your online practitioner profile. Your additions/amendments must be mailed to: Healthcare Provider Information Manager, Tennessee Department of Health, Division of Health Related Boards, 1st Floor, Cordell Hull Building, 425 Fifth Avenue North, Nashville, TN 37247-1010. 🦷

DISCIPLINARY ACTIONS FY 1999/2000

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Daughtrey, Sheree F. - License No. DH-1707
Unprofessional and unethical conduct and personal misuse of drugs. Placed on probation for two years with stipulations.

Dietz, Michael - License No. DS-2839
Under Notice of Charges with license SUSPENDED until final hearing.

Ford, Donna K. - License No. DH-947
Violation of continuing education. License REVOKED.

Golladay, Jeffery F. - License No. DS-4006
Unprofessional, dishonorable, and unethical conduct; gross malpractice. License SUMMARILY SUSPENDED.

Hall, Barnett J. - License No. DS-1550
Malpractice, unprofessional conduct, and utilization of anesthesia without permit. License REVOKED. Assessed \$5,000.

Harrison, Hubert - License No. DS-3191
Malpractice and unprofessional conduct. Assessed \$3,000 and license REVOKED.

Haws, John M. - License No. DS-2453
Unprofessional conduct, failure to maintain proper patient records, and inappropriate prescribing practices. Probation for three years, attend mini-residency, and assessed \$1,000 in civil penalties.

Hughes, Charles H. - License No. DS-4788
Unprofessional conduct related to violation of continuing education. Assessed \$500 with compliance requirements.

Kropf, Gary L. - License No. DS-2323
REPRIMANDED for advertising to the public as an orthodontist when not certified by the Board in the specialty of orthodontics and

failure to place appropriate disclaimer in his advertising. Assessed \$500 in penalties.

Lubovich, Ronald - License No. DS-1976
Unprofessional conduct and inappropriate prescribing practices. Probation for two years, attend mini-residency, and assessed \$500 in penalties.

Martin, Kenneth R. - License No. DS-2766
REPRIMANDED for advertising to the public as an orthodontist when not certified by the Board in the specialty of orthodontics and failure to place appropriate advertising disclaimer. Assessed \$500 in penalties.

Richardson, Harold - License No. (unlicensed)
Owning and operating a dental practice without a license and seeking business from the general public for dental laboratory work. Assessed \$500 in penalties.

Rosson, Ronald - License No. DS-3949
Unprofessional and unethical conduct and personal misuse of drugs. Probation for four years, monitoring of all controlled substance prescribing, and assessment of \$2,000.

Wasylyucha, Bryan - License No. DS-7074
Unprofessional conduct related to violation of continuing education. License REVOKED.

Watts, Mary E. - License No. DS-4078
Unprofessional conduct related to violation of continuing education. Assessed \$500 with compliance requirements.

Witt, Jr., Kenneth G. - License No. DS-4494
REPRIMANDED for misplacement of crowns, failure to report to office for scheduled appointments, and misplacement of temporary caps resulting in endodontic treatment. 🦷

YOU ARE ON THE INTERNET

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show that the license is "pending".] Get the latest statutes and rules and be able to download future editions of the Board's new NEWSLETTER to post in your office.

New in 2001, e-commerce and electronic renewals! These changes will allow any actively licensed practitioner to pay for and timely renew their license online. Practitioners will be assigned individual, confidential PIN numbers which will enable those who wish to renew online to conduct business by credit card payment. Stay tuned to www.state.tn.us/health/ You may be surprised at what you can find! 🦷

DENTAL ASSISTANTS (AND EMPLOYERS): TAKE NOTE

If you are working as a dental assistant and performing any duties beyond those of a practical dental assistant as defined by the new rules, you must be registered (licensed) by the Tennessee Board of Dentistry.

Being a Certified Dental Assistant ("CDA") does NOT equate to licensure under the laws of the State of Tennessee. A CDA must also possess current Tennessee registration in order to practice legally in this state. To obtain an application, contact the Tennessee Board of Dentistry or download an application from our web page. To report unlicensed practice, contact the Office of Investigations at 1-800-852-2187. 🦷

JURISPRUDENCE EXAMINATIONS UNDERGO CHANGES IN 2001

The Board has traditionally offered its jurisprudence examination to dentists and dental hygienists in conjunction with the Southern Regional Testing Agency ("SRTA") examination. In the past, SRTA has proctored the examination for the state regulatory boards as a courtesy. In October, SRTA announced that it would no longer administer the state boards' jurisprudence examinations, including that of Tennessee.

In 2001, the Tennessee jurisprudence examination will undergo some changes, including the times and dates when the examination will be administered. For the spring graduates of 2001, the Board's staff will provide a date and time for students of UT-Memphis and Meharry to take the jurisprudence examination at their respective campuses. Efforts will be made to offer the examination on the afternoons preceding the scheduled SRTA examinations at the two campuses.

For East Tennessee dental hygiene graduates who do not take the SRTA examination at Meharry, the jurisprudence examination will be given once in East Tennessee during the spring. The date, time and location will be announced through the Board's website. The Board's staff is attempting to make arrangements with various campus officials for sites for the jurisprudence examination.

The jurisprudence examination may still be taken, by appointment, at the Board's Office.

Examination by appointment will continue for out of state applicants.

The current testing process, administered through the Dental Assisting National Boards, for dental assistant applicants will remain in place.

Changes to the way the jurisprudence examination will be administered to dentists and dental hygienists will be announced through the Board's home page by visiting the upcoming, new site for its NEWSLETTER. 🦷

PROPOSED NEW AMENDMENTS MAY AFFECT LICENSEES AND APPLICANTS: HOW CAN YOU FIND OUT?

As a part of the statutory duty of the Board to regulate the practice of dentistry, dental hygiene and dental assisting, the Board may (and often does) establish new rules or amend existing ones.

During the year 2000, the Board has been processing several rule changes which are in various stages of the rulemaking process. These proposed changes will potentially impact practitioners, in part, as follows: dentists who administer anesthesia, dental hygiene applicants with a minimum age requirement, dental assisting applicants with a minimum age and high school completion requirement, and dental applicants who have failed either their national boards or the Southern Regional Testing Agency examinations more than three times.

At its meeting in January, the Board will consider a proposed rule change to require that each practitioner obtain, as a part of their required continuing education, two hours of continuing education in each biennial renewal cycle in the area of chemical dependency. The Board is concerned that practitioners do not know how to treat patients who are chemically dependent, may not be able to recognize and/or respond appropriately to those evidencing addictive behavior, and may not be aware of, or responsive, to their own addictive tendencies.

Rulemaking hearings are open to the public, and the Department will receive written or oral comments prior to and at the rulemaking hearing. Notices of the proposed rules and the dates and times of rulemaking hearings are published monthly in the Tennessee Administrative Register ("TAR"). The TAR is available for a fee from the Office of the Secretary of State or may be accessed at www.state.tn.us/sos/pub/tar.htm 🦷

RETIRING FROM PRACTICE? CONSIDER RETIRING YOUR LICENSE

The Board's rules provide an option for dental professionals not practicing in Tennessee: retirement. In order to retire, the licensee must complete an "Affidavit of Retirement" and submit the affidavit to the Board's Office. In order to obtain an "Affidavit of Retirement," the licensee may download a copy from the Board's internet homepage or call the Board's office at 1-888-310-4650, extension 25073.

Note: This method must be used by dentists who wish to retire and avoid the annual professional privilege tax. ☺

IMPROVEMENTS MADE TO SPECIALTY CERTIFICATION PROCESS

The Board has initiated improvements to its process for certifying specialists in the State of Tennessee by instituting an open recruiting process for the selection and retention of specialty consultants and establishing a new method of administering and grading its examinations.

Specialty consultants will now be recruited from across the state from those who possess Tennessee certification in their specialty area and who meet certain qualifications. At its September meeting, the Board considered the first such applications (*curriculum vita* and letters of recommendation) from candidates who had applied with the Board for the position of Pedodontic Specialty Consultant, a vacancy created due to the resignation of Dr. Charles Wilkinson of Memphis. The Board selected **Dr. George A. Adams** of Nashville as the Pedodontic Specialty Consultant and **Dr. Edwin H. Hines** of Brentwood as an alternate. As with all consultants, Drs. Adams and Hines serve until they resign or are replaced by the Board.

Traditionally, specialty examinations were administered in various ways, dependent upon the specialty. While most examinations were administered in the offices of the specialty consultant, just a couple were administered in academic settings. Almost all specialty examinations are now administered from the Board's office, and photo identification is required in order to sit for the examination. Once examinations are completed, the examination and answers are

sealed by the examinee in a courier envelope which is forwarded to the specialty consultant for purposes of grading.

To insure that improvements continue, a process has been initiated to update all specialty examinations by the spring of 2001 and to ensure that all examinations have been reviewed for reliability and verifiability. ☺

Coronal Polishing Examinations

January 20, 2001

September 22, 2001

All examinations will be held on the campus of Meharry in Nashville. To be eligible to qualify to take the educational course, a registered dental assistant must have completed at least one year of active practice, immediately preceding application, in order to qualify.

ROTATIONAL CONSULTANTS SOUGHT TO REVIEW INVESTIGATIVE COMPLAINT FILES

As part of the Board's initiative to improve its operations, the Board actively recruited qualified practitioners throughout the state to serve as rotational consultants to the Tennessee Department of Health. A computer-generated list was used to mail recruitment letters to approximately ten percent of the licensed dentists residing in Tennessee. The response has been largely positive, and a qualified pool of rotational consultants will soon begin to review complaint files for the Department.

The rotational consultants, once qualified, review the complaints filed against dentists, dental hygienists, and dental assistants in conjunction with prosecutors for the Department. Complaints receive a priority grade based upon the Board's "complaint evaluation parameters," adopted by the Board in May. Administrative matters, such as initial approvals for licensure and waivers for CPR certifications, will continue to be handled by the Board's consultant.

Dentists who want to be considered for selection as a rotational consultant should contact the Board's office to obtain a copy of the recruitment letter. ☺

ORDER MODIFICATION REQUESTS FOR 2000: BOARD RETAINS JURISDICTION

Practitioners who have been disciplined and whose license is under either a suspension or probationary status must appear before the Board in order to request the Board to lift a disciplinary status from their license.

Requests are only timely if the suspension or probationary period has been served and the licensee is in compliance with the terms of the Board's order. The process is called an "order modification proceeding," and the licensee's request can either be granted or denied by the Board.

Qualified licensees may request an order modification by submitting their request, in writing, to the Board's office. Licensees are encouraged to seek independent legal counsel.

Order Modification Requests Granted

Browder, Carl M. – License No. DS-4221

License on probation. Requested the lifting of probation. Request granted; probation lifted.

Dolberry, Jeffery - License No. DS-5273

License on probation. Requested the lifting of probation. Request granted; probation lifted.

Shoesmith, Allen L. - License No. DS-2803

License on probation. Requested the lifting of probation. Request granted; probation lifted.

Smith, Robert S. - License No. DS-4482

License on probation. Requested the lifting on probation. Request granted; probation lifted.

Order Modification Requests Denied

Greene, Jr., Shirlie - License No. (suspended DS-3247) License under suspension. Requested the lifting of suspension. Board found petitioner non-compliant with previous order of the Board. Request denied.

Jackson, Edwin G. - (unlicensed) Petitioner requested a reduction of the amount of civil penalties assessed by the Board. The request for an order modification was dismissed with prejudice, based on the petitioner's failure to appear and proceed on his petition. ☹

ADMINISTRATIVE REVOCATIONS CAN BE AVOIDED . . . A CORRECT ADDRESS IS KEY

Administrative revocations can be costly in terms of lost time from practice, monetary fees to reinstate your license, and paperwork. Administrative revocations frequently occur due to the licensee's failure to notify the Board's office of an address change.

Licensees are now granted a 60-day grace period before their license goes into a "failed to renew" status. At that time, the name of the licensee is placed in the Board's docket for administrative revocation. Once a license has been administratively revoked, the licensee may not lawfully practice, and their licensure status appears "inactive" on the Internet. To reinstate the license, the licensee must file a reinstatement application and pay all applicable fees.

The statute, at T.C.A. §63-1-108, requires the licensees of this Board to notify the Board's office within 30 days of any address change. To verify that an address is current, log on to the Board's home page or contact the Board's office. Address changes must be made in writing and are accepted by facsimile transmittal.

Compliance with the law is indeed the most economical route . . . and may save your name from appearing on the Board's docket. ☺

BOARD MEETING DATES FOR YEAR 2001 9:00 a.m., Central Time

January 18 and 19

May 10 and 11

September 20 and 21

All meetings are held at the Board's office and are open to the public. In the event of an electronic meeting, a conference room is made available to the public and is the location from which the electronic meeting is conducted.



Tennessee Board of Dentistry
First Floor, Cordell Hull Building
425 Fifth Avenue North
Nashville, TN 37247-1010



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